

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00745/2018

DATED THIS THE 25TH DAY OF FEBRUARY 2020

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

Sri.V.Gopala Reddy, 55 years,
S/o Sri.Lakshmana Rao,
Occn: Deputy Chief Engineer (Construction),
Office of Chief Administrative Officer,
SWR, 18, Miller's Road,
Benson Town,
Bengaluru: 560046

... Applicant

(By Shri PA.Kulkarni..... Advocate)

vs.

1.The Secretary,
Railway Board,
Ministry of Railways,
New Delhi: 110 001.

2.General Manager
and Disciplinary Authority,
South Western Railway,
Gadag Road,
Hubballi: 580 023.
for and on behalf of Union of India.

3.Chief Personnel Officer,
South Western Railway Headquarters,
Hubballi: 580 020.

... Respondents

(By Shri N.Amaresh.. Senior Panel Counsel)

ORDER (ORAL)HON'BLE DR. K.B. SURESH, MEMBER (J):

1. The matter is in a very small compass. The question is of double jeopardy. Without any doubt the evidence be lead and cross examined in a criminal case is having more importance than the evidence to be lead and facts turned out in a departmental enquiry. Criminal trial will of course have a precedence because of the penal nature of the case. Therefore, while the criminal case filed is still pending, there cannot be a disciplinary enquiry . Therefore, the disciplinary enquiry can commence only after 313 questioning is over in the criminal trial. OA is allowed to this limited extent. No order as to costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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Annexures referred to by the applicant in OA No.745/2018

Annexure-A1-Copy of the charge memo dated 15.3.2017 received under letter dated 31.3.2017	
Annexure-A2-Copy of the final report u/s 173 Cr.PC in RC 19(A)/2010/CBI-ACB-HYD turned CC 22.2013 on the file of the Court of the Special Judge for CBI Cases Hyderabad	
Annexure-A3- Copy of Letter dated 20.2.2018 from DA to applicant	
Annexure-A4-Copy of Letter dated 16.3.2018 from applicant to DA	
Annexure-A5-Copy of Letter dated 16.5.2018 from applicant to DA	
Annexure-A6-Copy of Letter dated 24.5.2018 from applicant to DA	
Annexure-A7-Copy of Order dated 12.6.2018 appointing PO	
Annexure-A8-Copy of Order dated 12.6.2018 appointing IO	
Annexure-A9- Copy of letter dated 22.6.2018	
Annexure-A10-Copy of Representation dated 25.6.2018 along with its enclosure RBE 22/2009 dated 6.2.2009 submitted by applicant to DA	
Annexure-A11-Copy of Communication dated 4.7.2018 from DA to applicant	
Annexure-A12-Copy of Letter dated 12.7.2018	
Annexure-A13-Copy of the Apex Court judgment reported in (1997) 2 SCC 699	
Annexure-A14-Copy of Govt. of India orders dated 26.2.2001	

Annexures referred in reply

Annexure-R1-Copy of OM dated 1.8.2007

Annexure-R2- Copy of dated 1.8.2007

Annexures referred in rejoinder

Annexure-RJ1- Copy of the order dated 18.4.2019 passed in Criminal Appeal No:900/2014 by the High Court of Telangana
Annexure-RJ2-Copy of the CAT BG order dated 24.1.2017 in OA 626/2016
Annexure-J3-Copy of the order dated 18.12.2018 in WP No.7876/2017(S-CAT)
Annexure-RJ4-Copy of the Apex Court's ruling in GM Tank's case reported in (2006) 5 SCC 446
Annexure-RJ5-Copy of the interim order dated 20.7.2018 passed by this Hon'ble Tribunal in the instant OA

Annexures referred in addl. reply

Annexure-R3-Copy of status of CBI case dated 30.7.2013
Annexure-R4- Copy of OMdated 21.7.2016

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